

**CITY OF MILPITAS**  
**Summary of Contents**  
**Milpitas City Council Meeting**  
**September 2, 2003**  
**6:00 p.m. Closed Session**  
**7:00 p.m. Public Business**  
**455 E. Calaveras Boulevard**

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**I. ROLL CALL (6:00 p.m.)**

**II. ADJOURN TO CLOSED SESSION**

**CONFERENCE WITH LABOR NEGOTIATOR**

(Pursuant to Government Code Section 54957.6)

Agency Negotiators: Thomas J. Wilson, 'Eddie Kreisberg, and Cherie Rosenquist

Employee Organizations: LIUNA

**III. CLOSED SESSION ANNOUNCEMENTS: Report on action taken in Closed Session, if required pursuant to Government Code Section 54957.1, including the vote on abstention of each member present**

**IV. PLEDGE OF ALLEGIANCE (7:00 p.m.)**

**V. APPROVAL OF MINUTES: August 19, 2003**

**VI. SCHEDULE OF MEETINGS**

**VII. PRESENTATIONS**

**Commendations:**

- Evan Pierce Rosson, Eagle Scout
- Milpitas 50<sup>th</sup> Anniversary Logo Contest Winner: Tamika Taylor
- Milpitas 50<sup>th</sup> Anniversary Logo Contest Entrants:

Charles King	Olga M. Saucedo
Lin Jin	Samir Brookins
Lloyd Pound	Linda Rabe
Marina Dee	Amabel A. Rayos
Mareile A. Ogle	Susan Auer

**Proclamations:**

- Pollution Prevention Proclamation Week, September 15-21, 2003
- Former Mayor Tom Evatt on his 90<sup>th</sup> birthday

Recess for Refreshments in honor of Mr. Evatt.

**VIII. CITIZENS FORUM**

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Members of the audience are invited to address the Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit their remarks to under two minutes. As an unagendized item, no response is required from City staff or the Council and no action can be taken; however, the Council may instruct the City Manager to agendize the item for a future meeting.

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**IX. ANNOUNCEMENTS**

**X. APPROVAL OF AGENDA**

**XI. CONSENT CALENDAR (Items with Asterisks)**

**XII. PUBLIC HEARINGS**

- 1. Approve Vesting Major Tentative Map (P-MA2003-2) and Draft Mitigated Negative Declaration (P EA2003-8): Request to Subdivide a 3.6-Acre Parcel into 19 Single-Family Residential Lots in Conformance with the Existing Zoning District Development Standards, at 1405 Kennedy Drive, Zoned R1-6, Single Family Residential (APN: 029-41-024), Applicant: The Riding Group (Staff Contact: Annelise Judd, 586-3273)**
- 2. Approve Reallocation of Community Development Block Grant (CDBG) Funds And Amendments to the Action Plan For FY 2003-2004 (Staff Contact: Felix Reliford, 586-3071, and Gloria Anaya, 586-3075)**
- 3. Approve Prioritization of Projects for Inclusion into the VTA's VTP 2020 Long Range Transportation Plan (Staff Contact: Joe Oliva, 586-3290)**

**XIII. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING**

**RA1. CALL TO ORDER BY THE MAYOR**

**RA2. ROLL CALL**

**RA3. APPROVAL OF MINUTES: August 19, 2003**

**RA4. APPROVAL OF AGENDA AND CONSENT CALENDAR (ITEMS WITH ASTERISKS)**

**RA5. Authorize Series 2003 Tax Allocation Bonds Plan Of Finance, Underwriting Services Selection, And Adopt Resolution Requesting Assistance of the Milpitas Public Financing Authority, and Calling for the Convening of a Special Meeting of the Authority (Staff Contacts: Thomas Wilson, 586-3050, And Blair King, 586-3060)**

**\*RA6. Approve Fiscal Year 2002-03 Year-End Budget Adjustments (Staff Contact: Emma Karlen, 586-3145)**

**\*RA7. Accept the 2003-2004 Final Budget and the 2003-2008 Final Capital Improvement Program (Staff Contact: Emma Karlen, 586-3145)**

**\*RA8. Review Progress Report on 3rd and 4th Floor Improvements and Project Closeout Progress; Approve Purchase Orders and Change Orders: Civic Center (Project No. 8026) (Staff Contact: Greg Armendariz, 586-3220)**

**RA9. AGENCY ADJOURNMENT**

**XIV. REPORTS OF OFFICERS AND BOARDS**

**City Council**

**4. Approve Conceptual "Pre-Kindergarten Education Kit Pilot Program": Mayor Esteves and Vice Mayor Dixon (Staff Contact: Blair King, 586-3060)**

**\*5. Approve Appointments to the Arts Commission; Bicycle Transportation Advisory Commission; Recycling and Source Reduction Advisory Commission, Senior Advisory Commission; and Youth Commission: Mayor Esteves**

**Community Advisory Commission**

6. **Consider the Community Advisory Commission's Proposal to Adopt a Campaign Code of Ethics (Staff Contact: Tambri Heyden, 586-3280)**

**XV. UNFINISHED BUSINESS (None)**

**XVI. NEW BUSINESS (None)**

**XVII. ORDINANCE (None)**

**XVIII. RESOLUTIONS**

- \*7. **Adopt Resolution Granting Final Acceptance: Gateway Feature at Tasman and Alder (Project Nos. 8146 and 4133) (Staff Contact: Steve Erickson, 586-3317)**

- \*8. **Adopt Resolution Approving a Memorandum Of Understanding with Laborers' International Union of North America (LIUNA/UPEC, Local 270, AFL-CIO) (Staff Contact: Cherie Rosenquist, 586-3082)**

**XIX. BIDS AND CONTRACTS**

- \*9. **Approve Agreement Amendment: Design Engineers Group - Singley Area Street Rehabilitation- Phase II (Project No. 4200) (Staff Contact: Steve Erickson, 586-3317)**

- \*10. **Approve Agreement Amendment: Nolte Engineering, Milpitas Library (Project No. 3394) (Staff Contact Mike McNeely 586-3301)**

- \*11. **Approve Contract Change Order: 2003 Street Slurry Seal (Project No. 4182) (Staff Contact: Steve Erickson, 586-3317)**

- \*12. **Award Construction Contract: Interim Senior Center Site Improvements (Project No. 8151) (Staff Contact: Mark Rogge, 586-3257)**

**XX. CLAIMS AND DEMANDS**

- \*13. **Approve Payment Requests: Miscellaneous Vendors / Contractors (Staff Contact: Lou Zenzen, 586-3161)**

- \*14. **Approve Payroll Register (Staff Contact: Emma Karlen, 586-3145)**

**XXI. ADJOURNMENT**

**NEXT REGULARLY SCHEDULED COUNCIL MEETING  
TUESDAY, SEPTEMBER 16, 2003, AT 7:00 P.M.**

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**XII. PUBLIC HEARINGS**

- 1. APPROVE VESTING MAJOR TENTATIVE MAP (P-MA2003-2) AND DRAFT MITIGATED NEGATIVE DECLARATION (P EA2003-8): REQUEST TO SUBDIVIDE A 3.6-ACRE PARCEL INTO 19 SINGLE-FAMILY RESIDENTIAL LOTS IN CONFORMANCE WITH THE EXISTING ZONING DISTRICT DEVELOPMENT STANDARDS, AT 1405 KENNEDY DRIVE, ZONED R1-6, SINGLE FAMILY RESIDENTIAL (APN: 029-41-024), APPLICANT: THE RIDING GROUP (STAFF CONTACT: ANNE LISE JUDD, 586-3273)**

**BACKGROUND:** The applicant proposes to subdivide a 3.6-acre parcel on the north side of Kennedy Drive at Fanyon Street into 19 single-family residential lots. The project site is currently developed as a church—the Church of Jesus Christ of Latter Day Saints, at 1405 Kennedy Drive. The church has been vacant for approximately two years. Nearby land uses include single-family residences, duplex residences, William Burnett Elementary School and Cardoza Park.

The proposed Vesting Major Tentative Map shows a new cul-de-sac serving 19 lots with a minimum 6,000-square-foot lot size. The cul-de-sac would line up with Fanyon Street, which is a north-south oriented street currently dead-ending at Kennedy Drive. Four of the proposed lots would abut Kennedy Drive, with homes and driveways oriented towards this street. This orientation would reinforce the pattern of existing single-family homes on either side of the project site. The remaining proposed lots would derive access from the new cul-de-sac. Ultimate build-out of the project site would involve demolition of the existing church structures, site improvements and landscaping, and subsequent construction of 19 single-family detached homes. No affordable housing component is proposed with this project.

Planning Division staff prepared an environmental Initial Study and draft Mitigated Negative Declaration for the project. With adoption of the recommended mitigation measures, no significant impacts will result from this project. Additional discussion is included in the background staff report, which is included as an attachment to this item.

The Planning Commission reviewed the project at its August 13, 2003, meeting, and rescinded Use Permit No. 157 for the church use, to be contingent upon map recordation. The Commission recommends that the City Council approve the Vesting Tentative Map subject to 22 special conditions. The Commission also requested that the applicant clean-up trash and debris that exists on the property. The applicant has since removed the debris.

Further review of the street name took place at the August 27, 2003, Commission meeting to consider a street name that has historical significance for the City. The name Topham Court was recommended.

**RECOMMENDATION:**

1. Close the Public Hearing.
2. Find the Initial Study to be complete and adopt the Mitigated Negative Declaration.
3. Approve the Vesting Major Tentative Map and recommended street name subject to the Findings and Special Conditions listed in a separate attachment.

**2. APPROVE REALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND AMENDMENTS TO THE ACTION PLAN FOR FY 2003-2004 (STAFF CONTACT: FELIX RELIFORD, 586-3071, AND GLORIA ANAYA, 586-3075)**

**BACKGROUND:** At its meeting on April 16, 2002, the City Council allocated \$200,000 of Community Development Block Grant funds for improvements at the existing Senior Center at 160 North Main Street. Since that time period, the following actions have taken place:

- The seniors have been relocated to the Interim Senior Center at 540 South Abel Street until the existing Senior Center improvements were completed.
- \$72,000 of the \$200,000 of CDBG funds have been used for studies prepared by Gelfand and Associates for the expansion of the existing Senior Center.
- On April 15, 2003, the Council approved a total of \$573,000 (\$431,815.57 from CDBG funds and \$141,184.43 from RDA) for the installation of modulars and other site improvements at the Interim Senior Center to provide more space for programs and activities.
- On July 1, 2003, the Council approved the relocation and exchange of the existing Senior Center and Library sites.

The balance of CDBG funds from the previous allocation for the existing Senior Center improvements is \$128,000.

**Reallocation of CDBG Funds and Amendment to the Action Plan 2003-2004**

At its meeting on April 15, 2003, the City Council approved the Interim Senior Center facility budget which included \$573,000 for installation of modulars, ramps, stairs, decks, awnings, site and interior improvements. Since the Council meeting, staff has prepared designs, specifications, construction drawings and schedule for the required site work. Based on this review and assessment and the needs of the Interim Senior Center, staff recommends some additional improvements and upgrades to the kitchen facility and other interior and exterior modifications to the site.

The proposed improvements would include: 1) larger kitchen area, 2) expansion of class and game room area, 3) the relocation of the storage and staffing offices adjacent to the assembly dining area, 4) roofing repair and replacement, 5) accessibility improvements and 6) revised signage. It is estimated that these improvements would cost approximately \$107,000. A more detailed analysis of the costs will be provided once the bids are received. To date, no budget has been approved by the Council to complete these improvements.

Staff recommends that the Council reallocate the \$128,000 balance of CDBG funds from the existing Senior Center site and appropriate the funding to complete the improvements at the Interim Senior Center site. Part of the approval process also requires an amendment to the Action Plan for the reallocation of resources for FY 2003-04. Staff has prepared the amendments to the Action Plan, which is included in the Council agenda packet.

**RECOMMENDATION:**

1. Close the public hearing.
2. Approve the reallocation of CDBG funds in the amount of \$128,000 from the existing Senior Center for improvements to the Interim Senior Center site.
3. Approve the amendments to the Action Plan incorporating the reallocation of CDBG funds for the Interim Senior Center site.

**3. APPROVE PRIORITIZATION OF PROJECTS FOR INCLUSION INTO THE VTA'S VTP 2020 LONG RANGE TRANSPORTATION PLAN (STAFF CONTACT: JOE OLIVA, 586-3290)**

**BACKGROUND:** Every three years the City submits transportation projects to be included in the Santa Clara Valley Transportation Plan (VTP) 2020. This is a countywide plan for transportation funding and service decisions for the next twenty years. The following is a list of potential projects.

Calaveras Boulevard Widening

The existing two bridges between Milpitas Blvd and Abel Street would be replaced with a six-lane bridge complete with 10' sidewalks and 6' bike lanes. Auxiliary lanes between Abel Street and I-880 together with operational improvements at the Abel Street and Abbott Avenue intersections would be added to insure smooth transitions and continuous bike lanes. Approximate cost - \$40 million.

Montague/Great Mall-Capitol Avenue Urban Interchange

This intersection has been operating at congested levels of service "F" since 1991. Grade separation of the Great Mall-Capitol through lanes over Montague Expressway would greatly enhance capacity and maintain compatibility with the existing elevated light rail structure and future BART. The resultant at-grade signalized intersection on Montague Expressway would accommodate a partial frontage road and left turn lanes. Approximate cost - \$40 million.

Dixon/Milpitas Intersection Improvements

An additional northbound left turn lane, a southbound right turn lane, and an eastbound right turn lane would be provided. Right-of-way has been acquired at the southwest corner for some of these improvements. Approximate cost - \$1.0 million (\$105,000 available from Developer Fees).

Dixon Landing Road Widening

This facility is currently primarily four lanes wide and serves as a secondary commute corridor between the I-680 and I-880 freeways. With completion of the Dixon Landing/I880 interchange reconstruction project, widening Dixon Landing Road between I-880 to Milpitas Blvd to six lanes with sidewalks and bike lanes would further reduce traffic congestion. Right-of-way will be needed for this project. Approximate cost - \$6.0 million.

Public Outreach/Community Involvement

A Community Open House was held Wednesday August 6, followed by a public hearing at the Citizens Advisory Commission (CAC). The CAC received a staff presentation, asked numerous questions, received public testimony and unanimously approved the staff recommendation of the VTP 2020 Project Prioritization to the City Council.

On August 13<sup>th</sup>, 2003, the Planning Commission held a Public Hearing and discussed the prioritization of the list of projects. The Planning Commission received a staff report, asked numerous questions, heard public testimony and voted 6 to 1 on the following prioritization of projects:

- Calaveras Boulevard Widening and Operational Improvements
- Dixon Landing Road/N. Milpitas Boulevard Intersection Improvements
- Montague Expressway/Capitol Avenue Grade Separation
- Dixon Landing Road Widening

On August 21, 2003, the Council Transportation Subcommittee discussed the prioritization of projects and unanimously approved the staff recommendation for consideration to the City Council.

**RECOMMENDATION:**

1. Close the Public Hearing
2. Approve the following prioritization:
  - Calaveras Boulevard Widening and Operational improvements
  - Montague Expressway/Capitol Avenue Grade Separation
  - Dixon Landing Road/North Milpitas Boulevard Intersection improvements
  - Dixon Landing Road Widening

**XIII. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING****RA1. CALL TO ORDER BY THE MAYOR****RA2. ROLL CALL****RA3. APPROVAL OF MINUTES:** August 19, 2003**RA4. APPROVAL OF AGENDA AND CONSENT CALENDAR (ITEMS WITH ASTERISKS)****RA5. AUTHORIZE SERIES 2003 TAX ALLOCATION BONDS PLAN OF FINANCE, UNDERWRITING SERVICES SELECTION, AND ADOPT RESOLUTION REQUESTING ASSISTANCE OF THE MILPITAS PUBLIC FINANCING AUTHORITY, AND CALLING FOR THE CONVENING OF A SPECIAL MEETING OF THE AUTHORITY (STAFF CONTACTS: THOMAS WILSON, 586-3050, AND BLAIR KING, 586-3060)**

**BACKGROUND:** The Agency has undertaken preliminary steps to issue a new Tax Allocation Bond to restructure older debt and secure funds for high priority redevelopment activities. The Series 2003 Bonds will be issued to raise approximately \$50 million to fund the development and construction of the Library and Senior Center, \$44 million to acquire and fund infrastructure related to the surplus Elmwood property, approximately \$30 million for Midtown related infrastructure projects such as reconstruction of Main and/or Abel Streets and Midtown Parking, and the restructuring of prior bonds issued in 1997 and 2000 in the approximate amount of \$63 million.

The bonds are proposed to be issued by the Agency through the Milpitas Public Financing Authority as federal and state tax-exempt bonds. The Bonds will carry underlying ratings from Moody's and/or Standard & Poor's. It is anticipated that a bond insurer will provide a guaranty policy for principal and interest. In order to save time and take advantage of the more favorable conditions in which to sell bonds, the bonds are proposed to be sold via a negotiated transaction using the services of a senior managing underwriter and co-managing underwriters to price, market, and distribute the bonds. Please note the attached memorandum from the Agency's Fiscal Advisers Lamont Financial Services with regard to the Plan of Finance.

On August 5, 2003, through its financial advisors, the Agency issued Request for Qualifications (RFQ) to provide underwriting services to seven leading Wall Street banking firms. Five proposals were received. The staff and the Agency's financial advisors reviewed the proposals and held interviews with the highest rated firms. A copy of the RFQ and the proposals of the highest rated firms are attached. It is recommended that the Agency select Stone & Youngberg as Senior Managing Underwriter and UBS Financial Services and First Albany Corporation to serve as Co-managing Underwriters.

Finally, in order to effectuate a negotiated bond sale, the Milpitas Public Financing Authority, formed by the Agency and City on July 1, 1997, will serve as a conduit to issue bonds. The attached resolution calls for the Milpitas Public Financing Authority to assist with the issuance of bonds and to convene a special meeting.

The Preliminary Official Statement, Disclosure Documents, and other bond financing documents will be prepared immediately. It is anticipated that the Agency and the Public Financing Authority will be asked to review and approve bond documents on October 21, 2003. Pricing is targeted on November 3rd and 4th.

**RECOMMENDATION:**

1. Approve the uses and bond financing structure for a Series 2003 Tax Allocation Bond.
2. Approve the selection of Stone & Youngberg to serve as Senior Managing Underwriter and UBS Financial Services and First Albany Corporation to serve as Co-managing Underwriters for a negotiated bond.
3. Adopt an Agency resolution requesting the assistance of the Milpitas Public Financing Authority in connection with the financing and refinancing of redevelopment activities and calling for the convening of special meeting of the Authority.

**\*RA6. APPROVE FISCAL YEAR 2002-03 YEAR-END BUDGET ADJUSTMENTS (STAFF CONTACT: EMMA KARLEN, 586-3145)**

**BACKGROUND:** Finance staff is in the process of closing the City and Redevelopment Agency books for Fiscal Year 2002-03. To maintain conformity with the City's budgeting policies and to prepare for the annual external audit, year-end budget adjustments are necessary to address items that were not known at the time the FY 02-03 budget was developed. Finance staff has reviewed all funds, departments, and project budgets to determine necessary adjustments.

The overall fiscal impact of the budget adjustments is a net \$955,000 reduction to the fund balances of various funds. There is no fiscal impact to the General Fund. A detailed staff report providing additional information is included in the Council/Agency packet along with a budget change form.

**RECOMMENDATION:** Approve the Fiscal Year 2002-03 year-end budget appropriations and transfers as itemized in the budget change form included in the Agency/Council agenda packet.

**\*RA7. ACCEPT THE 2003-2004 FINAL BUDGET AND THE 2003-2008 FINAL CAPITAL IMPROVEMENT PROGRAM (STAFF CONTACT: EMMA KARLEN, 586-3145)**

**BACKGROUND:** Transmitted herewith is the 2003-2004 Final Budget and the 2003-2008 Final Capital Improvement Program incorporating the changes approved by the City Council/Agency during the May 13, 2003 budget hearing. The budget appropriations total \$99,232,847, which includes \$9,689,575 for Capital Projects in the first year of the five-year plan.

**RECOMMENDATION:** Note receipt and file.

**\*RA8. REVIEW PROGRESS REPORT ON 3RD AND 4TH FLOOR IMPROVEMENTS AND PROJECT CLOSEOUT PROGRESS; APPROVE PURCHASE ORDERS AND CHANGE ORDERS: CIVIC CENTER (PROJECT NO. 8026) (STAFF CONTACT: GREG ARMENDARIZ, 586-3220)**

**BACKGROUND:** City Hall Project - An additional three purchase orders are recommended for approval at this time. The additional work involves installation of additional lighting in the Clerks office area; painting at various locations throughout the building, and installation of a plan check rack for Fire Prevention. A purchase order summary, providing additional details and cost for each purchase order is included in the Council's agenda packet. The total of these three purchase orders is \$16,406. The remaining project contingency is \$83,717, after approval of the above purchase orders. Included in the Council's agenda packet is additional background information on the close out progress of City Hall project and progress report on the 3<sup>rd</sup> and 4<sup>th</sup> floor improvements.

**RECOMMENDATION:**



1. Approve purchase orders included in the summary sheet.
2. Note, receipt and file progress report on project close out, and 3rd & 4th floor improvements.

**RA9. AGENCY ADJOURNMENT**

**XIV. REPORTS OF OFFICERS AND BOARDS**

**City Council**

**4. APPROVE CONCEPTUAL "PRE-KINDERGARTEN EDUCATION KIT PILOT PROGRAM": MAYOR ESTEVES AND VICE MAYOR DIXON (STAFF CONTACT: BLAIR KING, 586-3060)**

**BACKGROUND:** The City/School Subcommittee has suggested that City staff, in cooperation with the Milpitas Unified School District, explore the feasibility of a pilot "Pre-Kindergarten Education Kit Program." The general purpose of such a program is to close the academic achievement gap by providing information to the parents of pre-school children who do not have access to pre-school due to financial hardship. Further research is needed to develop program details such as costs and possible revenue sources. Other than staff time, no funding is proposed at this time. Beyond exploration, it is envisioned that any additional action will require future Council approval.

**RECOMMENDATION:** Pursuant to the request of the City/School Subcommittee, authorize staff, in cooperation with the Milpitas Unified School District, to explore the feasibility of a pilot "Pre-Kindergarten Education Kit Program".

**\*5. APPROVE APPOINTMENTS TO THE ARTS COMMISSION; BICYCLE TRANSPORTATION ADVISORY COMMISSION; RECYCLING AND SOURCE REDUCTION ADVISORY COMMISSION, SENIOR ADVISORY COMMISSION; AND YOUTH COMMISSION: MAYOR ESTEVES**

**BACKGROUND:** Mayor Esteves is recommending the following appointments and re-appointments:

**Arts Commission**

- Move Shalini Gupta from Alternate 2 to fill vacancy created by Julie Cherry's resignation, with a term to expire October 2006.
- Appoint Donine Ettinger to fill the vacancy in the Alternate 2 position, with a term to expire October 2004.

**Bicycle Transportation Advisory Commission**

- Move Rene Briones from Alternate No. 1 to fill vacancy created by Keith Scott's resignation with a term to expire August 2006.
- Move Nawal Starojevic from Alternate No. 2 to Alternate No. 1 with a term to expire August 2004.

**Recycling and Source Reduction Advisory Commission**

- Move Jo Lynn Andrade-Bunnell from Alternate 1 to fill vacancy created by Sridhar Borra's resignation, with a term to expire October 2004.
- Move Patrick Yung from Alternate 2 to Alternate 1, with a term to expire October 2004.
- Reappoint Romy Dizon, Keith Walker, and John Armando with terms to expire October 2006.

**Senior Advisory Commission**

- Move Frances Woodworth from Alternate No. 1 to fill vacancy left by Carlos Fabregas, with a term to expire December 2004

- Move Amanda Santos from Alternate No. 2 to Alternate No. 1 with a term to expire December 2004.

#### Youth Commission

- Move Joseph Hall and Lindsey Munzel from alternates to regular members with terms to expire October 2004.
- Appoint Julian Hilario to a regular member with a term to expire October 2004.
- Appoint Justin Nguyen to Alternate No. 1 with a term to expire October 2004.
- Appoint Aditya Ullat to Alternate No. 2 with a term to expire October 2004

Copies of all current applications for these commissions are included in the Council's agenda packet.

**RECOMMENDATION:** Approve the Mayor's appointments and re-appointments to Commissions.

#### Community Advisory Commission

#### **6. CONSIDER THE COMMUNITY ADVISORY COMMISSION'S PROPOPOSAL TO ADOPT A CAMPAIGN CODE OF ETHICS (STAFF CONTACT: TAMBRI HEYDEN, 586-3280)**

**BACKGROUND:** As part of their 2003 Work Program, the Community Advisory Commission has drafted a proposal titled "Building Voter Confidence Through Ethical Conduct." The proposal is structured around increasing public awareness of campaign ethics and requesting a commitment from candidates to abide by a code of ethics. The CAC will be providing a presentation of their work at the City Council meeting.

**RECOMMENDATION:** Consider the CAC's proposal and direct staff to return with a draft Campaign Code of Ethics and an education program to increase awareness of campaign ethics for candidates and the general public.

#### **XV. UNFINISHED BUSINESS (None)**

#### **XVI. NEW BUSINESS (None)**

#### **XVII. ORDINANCE (None)**

#### **XVIII. RESOLUTIONS**

#### **\*7. ADOPT RESOLUTION GRANTING FINAL ACCEPTANCE: GATEWAY FEATURE AT TASMAN AND ALDER (PROJECT NOS. 8146 AND 4133) (STAFF CONTACT: STEVE ERICKSON, 586-3317)**

**BACKGROUND:** This project was initially accepted on August 6, 2002, and has passed the one-year warranty period. A final inspection has been made, and the City gateway feature improvement at Tasman and Alder is satisfactorily constructed. Therefore, a final acceptance may be granted and the contractor's bond may be released.

**RECOMMENDATION:** Adopt resolution granting final acceptance and release of the bond.

#### **\*8. ADOPT RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING WITH LABORERS' INTERNATIONAL UNION OF NORTH AMERICA (LIUNA/UPEC, LOCAL 270, AFL-CIO) (STAFF CONTACT: CHERIE ROSENQUIST, 586-3082)**

**BACKGROUND:** Laborers' International Union of North America (LIUNA) petitioned to represent the mid-management and confidential employees utilizing the assistance of State Mediation and Conciliation. LIUNA was officially recognized by the City Council on June 3, 2003. Subsequently, the staff negotiated with LIUNA in good faith and reached a tentative agreement on an initial Memorandum of Understanding for the period September 3, 2003, through June 30, 2004, which is included in the Council's agenda packet.

**RECOMMENDATION:** Adopt resolution approving an initial Memorandum of Understanding with LIUNA (Mid-management and Confidential Employees Unit) for the period September 3, 2003, through June 30, 2004.

## **XIX. BIDS AND CONTRACTS**

### **\*9. APPROVE AGREEMENT AMENDMENT: DESIGN ENGINEERS GROUP - SINGLEY AREA STREET REHABILITATION- PHASE II (PROJECT NO. 4200) (STAFF CONTACT: STEVE ERICKSON, 586-3317)**

**BACKGROUND:** On January 9, 2001, the City entered into an agreement with Design Engineers Group for consultation services for design of Singley Area Street Rehabilitation Phase II (Project No. 4200). During construction of the project, unforeseen underground utilities were discovered resulting in re-design of underdrain and stormdrain systems. In addition, field observation of the subsurface conditions have led to the conclusion by staff and the design consultant that a much longer life pavement design could be provided with a design change to remove and replace the entire existing asphalt pavement. As mentioned in the August 5<sup>th</sup> Council report, staff has been negotiating with the consultant regarding the costs of the design changes. This negotiation has resulted in a proposed contract amendment for the additional design at a not-to-exceed fee of \$5,100. There are sufficient funds in the project budget to perform the services.

#### **RECOMMENDATION:**

1. Approve amendment No. 4 to the agreement with Design Engineers Group with a not-to-exceed cost of \$5,100.
2. Authorize the City Manager to execute the amendment, subject to approval by the City Attorney as to form.

### **\*10. APPROVE AGREEMENT AMENDMENT: NOLTE ENGINEERING, MILPITAS LIBRARY (PROJECT NO. 3394) (STAFF CONTACT MIKE MCNEELY 586-3301)**

**BACKGROUND:** On May 20, 2003, City Council awarded a consultant contract to Nolte Engineering to perform engineering studies, precise plans and detailed streetscape plans for the entire length of Main Street as part of the Midtown Specific Plan. Staff recommends that Nolte Engineering perform additional services to generate a record boundary for several parcels surrounding the South and East sides of 160N. Main Street (formally the Milpitas Senior Center) in order to begin the right-of-way acquisition process for the new Milpitas Library. The fee associated with these services is estimated not to exceed \$19,500, which is considered reasonable for the scope of work. There are sufficient funds in the project budget to cover this additional expense.

**RECOMMENDATION:** Authorize the City Manager to execute the agreement amendment with Nolte Engineering, in the amount not-to-exceed \$19,500, subject to approval as to form by the City Attorney.

### **\*11. APPROVE CONTRACT CHANGE ORDER: 2003 STREET SLURRY SEAL (PROJECT NO. 4182) (STAFF CONTACT: STEVE ERICKSON, 586-3317)**

**BACKGROUND:** This project was awarded for construction by the City Council on August 1, 2003. The work includes asphalt repair, crack sealing, and slurry sealing of various City streets.

The contractor's bid was lower than the Engineers estimate and therefore there are additional funds in the project budget to include an additional street and asphalt repairs. Ferreira Court has been selected after review of the City's pavement system as needing a slurry seal treatment.

A change order is required to provide crack sealing and slurry seal of Ferreira Court and additional asphalt repairs on Hillview Drive. The cost of the extra work to be performed by the City's contractor is not to exceed \$10,000. Sufficient funds are available in the project budget.

**RECOMMENDATION:** Authorize the City Engineer to execute a change order in the amount not to exceed \$10,000 to Bond Blacktop, Inc.

**\*12. AWARD CONSTRUCTION CONTRACT: INTERIM SENIOR CENTER SITE IMPROVEMENTS (PROJECT NO. 8151) (STAFF CONTACT: MARK ROGGE, 586-3257)**

**BACKGROUND:** On July 1, 2003, the City Council approved the plans and specifications and authorized bidding for the Interim Senior Center Site Improvements. Three addenda were issued to modify the scope of work based upon bid results of the modular building addition and PG&E's design for new electric service.

Staff originally reported the estimate for site improvements was approximately \$226,000. Since the stairs, decking and ramps were included with the modular addition contract, the estimate for the site package was reduced by \$120,000 to \$106,000. Furthermore PG&E will install the new electric service. A portion of this work, estimated at \$36,000 was included with the site improvement plans. Therefore, at the August 19th City Council meeting staff reported the revised estimate for remaining site work is \$70,000.

Two bids were received on August 21, 2003 and publicly opened. The lowest bid of \$75,581.18 was received from Brandall Modular Corp., which is 8% above the Engineer's estimate as reported to the City Council on August 19th. A bid summary is included in the Council packet.

The site improvements include demolition, clearing and grading and extension of utilities to form the pad for the modular buildings; a refuse bin enclosure; concrete walks, and landscaping.

Staff recommends awarding the construction contract for the Interim Senior Center Site Improvements to Joseph J. Albanese, Inc. of Santa Clara, California, for the total low bid price of \$75,581.18.

Staff anticipates that work to prepare the site for installation of the modular units will be complete by the end of October 2003. Landscape work and completion of the Site Improvements cannot occur until after installation of the modular units, and stairs, decking and ramps. The anticipated project completion, dependent upon weather, would be in February to March 2004.

**RECOMMENDATION:** Award the Construction Contract for the Interim Senior Center Site Improvements to Joseph J. Albanese, Inc. in the amount of \$75,581.18.

**XX. CLAIMS AND DEMANDS**

**\*13. APPROVE PAYMENT REQUESTS: MISCELLANEOUS VENDORS / CONTRACTORS  
(STAFF CONTACT: LOU ZENZEN, 586-3161)**

**BACKGROUND:** In accordance with direction given by City Council at its August 15, 1995 meeting, Purchasing has prepared the following list of purchasing requests over \$5,000.00 for approval:

1. \$9,000.00 to Konica Business Machines for annual maintenance and supplies for the three large shared copiers at City Hall. (Funds are available in the Non-Departmental operating budget for this service.)
2. \$9,700.00 to Keyser Marston Associates for professional services to re-assess market timing for building up of business parks and Class A office building developments in various locations within the City's Redevelopment Agency for the Planning Department. (Funds are available in the Redevelopment Agency fund for this service.)
3. \$36,852.94 to Preston Pipelines for the emergency repair of two water lines, a reclaimed water line and a recycled water main, on McCarthy Blvd for the Utility Maintenance Division. (Funds are available from the Public Works operating budget for this service.)

**RECOMMENDATION:** Approve the purchase requests.

**\*14. APPROVE PAYROLL REGISTER (STAFF CONTACT: EMMA KARLEN, 586-3145)**

**BACKGROUND:** The Payroll Register for the period ending August 9, 2003, in the amount of \$1,657,922.18 is submitted for approval.

**RECOMMENDATION:** Approve Payroll Register as submitted.

**XXI. ADJOURNMENT**

**NEXT REGULARLY SCHEDULED COUNCIL MEETING  
TUESDAY, SEPTEMBER 16, 2003, AT 7:00 P.M.**